

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Hawa Kamara, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

Pepperidge Farm, Incorporated,

Defendant.

Case No. 1:20-cv-09012-PKC

**NOTICE OF MOTION TO DISMISS
PLAINTIFF'S FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, together with the accompanying memorandum of points and authorities, defendant Pepperidge Farm, Incorporated moves for an order dismissing plaintiff's first amended complaint with prejudice pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, on the grounds that the first amended complaint fails to state a claim upon which relief can be granted. The motion will be brought before the Honorable P. Kevin Castel, at the United States Courthouse, 500 Pearl St., New York, NY 10007-1312, on a date and time designated by the Court.

Dated: May 28, 2021

Respectfully submitted,
/s/ Dale J. Giali
Dale J. Giali
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CERTIFICATE OF SERVICE

The undersigned certifies that on May28, 2021, the foregoing NOTICE OF MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT was electronically filed with the Clerk of the Court using the CM/ECF system and thereby served on the following counsel:

Spencer Sheehan
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Counsel for Plaintiff

Dated: May 28, 2021

/s/ Dale J. Giali